

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS
*SUPERIOR COURT
INTERNAL REVENUE SERVICE*

COMPASS BANK FOR SAVINGS,

Plaintiff

v.

MANUEL A. JORGE, DISCOVER BANK, and
INTERNAL REVENUE SERVICE,

Defendants.

2004 JUN - 1 Civil Action No. 04-10707

U.S. DISTRICT COURT
DISTRICT OF MASS

RGS

MOTION TO REMAND TO STATE COURT

Now comes the Plaintiff, Compass Bank for Savings, and respectfully requests this Court to remand the within case to the Bristol County Superior Court.

IN SUPPORT THEREOF, the Plaintiff states:

1. The Defendant, United States of America (Internal Revenue Service) removed this Interpleader Action to the United States District Court for the District of Massachusetts on or about April 12, 2004.
2. On or about May 24, 2004, said Defendant, by and through its counsel, filed a Notice of Disclaimer of Interest with this Court.
3. As said Defendant has no interest in this matter, no grounds exist to proceed in Federal Court and the case should be remanded back to State Court for disposition.
4. No other defendant in this case has answered or filed an appearance.

WHEREFORE, the Plaintiff, Compass Bank for Savings, respectfully requests that the within Motion to Remand to State Court be allowed forthwith.

Respectfully submitted,
Compass Bank for Savings
By its Attorney

Jane Mello Pineau
Jane Mello Pineau, Esquire
446 County Street
New Bedford, MA 02740
(508) 984-1414
BBO#555151

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CERTIFICATE OF SERVICE

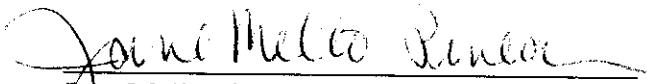
I hereby certify that on this day I gave notice of the Defendant's, Compass Bank for Savings, Motion to Remand to State Court by mailing a copy of same, postage prepaid, first class mail to:

Howard Lee Schiff, Esquire
340 Main Street
Suite 959
Worcester, MA 01608

Manuel A. Jorge
87 Sharp Street
North Dartmouth, MA 02747

Lydia D. Bottome, Esquire
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 55, Ben Franklin Station
Washington, D.C. 20044

Dated: May 27, 2004


Jane Mello Pineau, Esquire
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